governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects. In addition, USDA Uniform Federal Assistance Regulations, as amended (7 CFR part 3015), Governmentwide Debarment and Suspension (Non-procurement) and Governmentwide Requirements for Drug-free Workplace (Grants) (7 CFR part 3017), New Restrictions on Lobbying (7 CFR part 3018), and Managing Federal Credit Programs (7 CFR part 3) apply to this program. Copies of 7 CFR part 3403, 7 CFR part 3015, 7 CFR part 3017, 7 CFR part 3018, and 7 CFR part 3 may be obtained by writing or calling the office indicated below.

The solicitation, which contains research topic descriptions and detailed instructions on how to apply, may be obtained by writing or calling the office indicated below. Please note that applicants who submitted SBIR proposals for fiscal year 1993 or who have recently requested placement on the list for fiscal year 1994 will automatically receive a copy of the fiscal year 1994 solicitation. Proposal Services Branch, Awards Management Division, Cooperative State Research Service, U.S. Department of Agriculture, Ag Box 2245, Washington, DC 20250–2245. Telephone: (202) 401–5048.

Done at Washington, DC, this 18th day of June 1993.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 93–14859 Filed 6–23–93; 8:45 am]

BILLING CODE 3410–22–M

Forest Service

South Fork Granite Creek Timber Sale; Idaho Panhandle National Forests, Washington and Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice; cancellation of notice of intent to prepare an environmental impact statement.

SUMMARY: On July 10, 1992, notice was published in the **Federal Register** (FR 30712) that an environmental impact statement would be prepared to document the analysis and disclose the environmental impacts of proposed actions to harvest timber, build roads, improve existing stands of trees, and regenerate new stands of trees in TillicumCreek and South Fork of Granite Creek drainages. These drainages flow into the North Fork of Granite Creek at the eastern edge of the analysis area is located on the Priest Lake Ranger District, Idaho Panhandle National Forests.

That notice is hereby cancelled.

Analysis of this project began on schedule, but was cancelled because of the need to do more analysis prior to determining the scope and the purpose and need for the project.

DATES: This action is effective June 24, 1993.

FOR FURTHER INFORMATION CONTACT: David Asleson, NEPA Coordinator, Priest Lake Ranger District, HCR 5 Box 207, Priest River, ID 83856 (208) 443–2512.

Dated: June 17, 1993.

Kent Dunstan,

District Ranger, Priest Lake Ranger District, Idaho Panhandle National Forests.

[FR Doc. 93–14884 Filed 6–23–93; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Five Points Area Watershed, Macon, Houston, and Dooly Counties, GA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Regulations (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Five Points Area Watershed, Macon, Houston, and Dooly Counties, Georgia.

FOR FURTHER INFORMATION CONTACT: Hershel R. Read, State Conservationist, Soil Conservation Service, Federal Building, Box 13, 355 East Hancock Avenue, Athens, Georgia 30601; telephone: 706–546–2116.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action, developed by the Soil Conservation Service, indicates that the project will not cause significant local, regional, or national impacts on the environment.

As a result of these findings, Hershel R. Read, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this Project.

The project purpose is watershed protection for improvement of water quality and includes reduction of agricultural animal waste related pollution and accelerated land treatment. The planned improvements include cost sharing and technical assistance to:

1. Develop and install 29 animal waste management plans that will include lagoons, fencing, pasture and hayland planting, stream crossing, stack houses, flush down systems, water supply wells, diversion/curbing, filter strips, collection basins, waste utilization pump and piping, and heavy use protection area.

2. Install water disposal systems, contour farming, filter strips, conservation tillage and crop residue use on about 11,550 acres of cropland.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Dr. Hershel R. Read.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials)

Dated: June 16, 1993.

Hershel R. Read,

State Conservationist.

[FR Doc. 93–14881 Filed 6–23–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 8129–01]

Klaus Westphal, Respondent; Decision and Order

On April 1, 1993, the Respondent petitioned, through his counsel, that the Decision and Order entered against him by default on April 27, 1989, and affirmed and made final by the then-Acting Under Secretary for Export Administration on May 24, 1989, be set aside, the Order vacated and the proceeding be resumed based on pleadings submitted with the petition.

On May 18, 1993, the Administrative Law Judge (ALJ) entered his recommendation that the petition of the

Respondent be denied. The recommended Decision of the ALJ, a copy of which is attached hereto and made a part hereof, adequately and properly sets forth both the relevant facts and the arguments of the parties to this matter. The recommended Decision of the ALJ has been referred to me for final action.

Based on my review of the entire record, I agree with the ALJ that good cause has not been shown to vacate the Final Order entered on May 24, 1989. Accordingly, I affirm the recommended Decision of the Administrative Law Judge. The Respondent's petition to set aside the Decision and Order on Default, to vacate the Order and to proceed on the basis of the submitted answer is denied.

This constitutes final agency action regarding this particular appeal.

Dated: June 18, 1993.

Sue E. Eckert,

Acting Under Secretary for Export Administration.

Order Denying Petition To Set Aside Default

A. Background

On April 1, 1993, counsel for Klaus Werner Erwin Westphal (the Respondent) petitioned pursuant to § 788.8(b) of the Export Administration Regulations (currently codified at 15 CFR parts 768–799 [1991]) (the Regulations) that the Decision and Order entered against him by default in the above-captioned case on April 27, 1989, and affirmed and made final by the then-Acting Under Secretary for Export Administration on May 24, 1989,[1] be set aside, the Order vacated and that the proceeding be resumed on the basis of an answer to the December 22, 1988, charging letter issued against him. The proffered April 1993 answer to the charging letter, with which the Respondent now seeks to reopen this proceeding, is the first such answer to be submitted in this proceeding. The December 1988 charging letter, issued by the Office of Export Enforcement, Bureau of Export Administration, U.S. Department of Commerce (The Department or Agency), pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. 2401–2420 [1991, Supp. 1992, and Public Law 103–10, March 27, 1993]) (the Act), originally alleged that the Respondent, in his capacity as managing director of Veeco GmbH, had committed four separate violations of § 787.6 of the Regulations. However, on April 21, 1989, Agency Counsel withdrew three of the alleged counts so that the Respondent, in his aforesaid managing director capacity, continued to be charged with a single violation of § 787.6 of the Regulations. This remaining allegation was that the Respondent, on December 23, 1983, had reexported from the Federal Republic of Germany to Czechoslovakia, a U.S.-origin Microetch Machine without having obtained from the Department the reexport authorization required by § 774.1 of the Regulations.

The Respondent admits both that he had received service of the original December 1988 charging letter and that he did not file an answer within thirty days after such service, as required by the Regulations. The Respondent's only communication in that period was an April 15, 1989, letter to the Department in which he reported that he was seeking counsel from officials and lawyers in connection with the charging letter.

As noted, on May 24, 1989, the Acting Under Secretary issued her Final Order affirming Administrative Law Judge Thomas W. Hoya's April 27, 1989, Decision and Order on Default recommending that the Respondent's export privileges be denied for a period of ten years. Now, four years after its issuance, the Respondent seeks to set aside the Acting Under Secretary's Final Order.

B. The Parties' Positions

The Respondent argues that the reasons now put forward for his failure to have appeared and answered the charging letter constitute good cause within the meaning of § 788.8(b) of the Regulations.[2] Asserted reasons include that, in 1989, the Respondent did not have sufficient knowledge of the English language to understand the charging letter and its implications; that, by letter, dated October 23, 1986, the Respondent's German counsel, Peter Kanis, had advised that a proceeding instituted against the Respondent in Germany by the Regional Tax Office concerning the instant December 1983 reexport to Czechoslovakia was being discontinued, thereby leading both the Respondent and his counsel to believe that the Respondent had been cleared of all charges concerning that transaction; that attorney Kanis, having reviewed the instant charging letter shortly after its receipt, by January 23, 1989, letter, had informed the Respondent that the matter was legally concluded in Germany and that the Respondent need only be concerned if he travelled to the United States, but had not conveyed to the Respondent the implications of his continuing to represent U.S. companies and of his continued handling of U.S.-origin goods;[3] and that the Respondent's above April 15, 1989, letter to the Department had resulted from attorney Kanis' advisement that the Respondent not reply to any of the questions, but that he merely confirm receipt of the charging letter and notify the Department of a change of address. In further support of his Petition, the Respondent cites difficulties assertedly experienced at the hands of a United States attorney he had retained at some undisclosed date in 1989. The Respondent had forwarded his file of original documents in this matter to this attorney who, in spite of the Respondent's asserted persistent early inquiries, did not take action on the Respondent's behalf and, in 1993, informed the Respondent that he no longer had possession of the original documents that had been delivered to him approximately four years before.

The Respondent now is motivated to seek vacation of the default Order because of recent business exigencies. As the Respondent represents, when the default Order was entered, he was a salesman and a 14 percent owner of the stock of CJT-Vacuum-Technik Produktions-& Vertriebs GmbH (CJT), in Germany. The Respondent and the majority owner of CJT, Peter Czermak, then consulted with several U.S. companies with whom CJT was dealing and were told that the Department's Order would not affect their ability to

[1] 54 FR 23241 (May 31, 1989). The Acting Under Secretary's Order provided that the Respondent and, in effect, all his business associates, be denied export privileges for a period of ten years commencing May 24, 1989.

[2] Section 788.8(b), Petition to Set Aside Default, is as follows:

(1) Procedure. Upon petition filed by a respondent against who a default order has been issued, which petition is accompanied by an answer meeting the requirements of § 788.7(b), the administrative law judge may, after giving all parties opportunity to comment, and for good cause shown, set aside the default and vacate the order entered thereon and resume the proceedings.

(2) Time limits. A petition under this section must be made either within one year of the date of entry of the order which the petition seeks to have vacated, or before the expiration of any administrative sanctions imposed thereunder, whichever is later.

Since the administrative sanctions imposed by the Under Secretary's Final Order have not yet expired, the Respondent's Petition is timely-filed under § 788.8(b)(2), above.

[3] Mr. Kanis' January 23, 1989, letter, in relevant part, was as follows:

This matter has been legally concluded in Germany and since the police power of the United States ends at its borders, it does not extend to Europe.

It is recommended, however, that should the possibility of your traveling to America arise, you retain an attorney there so that you do not run the risk of being detained on the basis of this proceeding upon entering the country.

export to CJT since they were doing business with CJT and not directly with the Respondent. On January 17, 1992, CJT entered into a joint German-based venture known as CKL Vacuum-Technik Vertriebs GmbH (CKL) with a U.S. company, Kurt J. Lesker Company (KJLC). The Respondent, Mr. Czermak and a representative of KJCL were named as Geschaftfuhrers (managers) of CKL. The Respondent also acted as a sales engineer for CKL. KJLC was not informed of the existence of the Order against the Respondent based on CJT's earlier discussions with the U.S. companies and had no actual knowledge of the Order until December 21, 1992. On that date, KJLC was informed by a vendor that the Department had denied the Respondent export privileges for a period of ten years. KJLC immediately stopped all exports to CKL pending investigation and consultation with counsel. As a result of the revelation concerning this Order, and subsequent discussions with business associates, the Respondent ended all relationships with CKL and with CJT, including termination of his sales engineer position and status as a manager with CKL and his stock ownership in CJT. The Respondent asserts that he first fully understood the nature and implications of the charging letter and the resultant Order in discussions with new counsel only in December 1992 and January 1993, and took immediate measures to pursue this Petition.

Summarizing, the Respondent basically argues that the Decision and Order on Default entered against him four years ago now should be set aside and the Order vacated because he had not understood the English language used in the charging letter and the charging letter's implications, and because he had been ineffectively represented by counsel both in Germany and in the United States.

Agency Counsel, in his May 4, 1993, Response to the Petition, asserts that neither of the Respondent's principal contentions based (1) on lack of understanding of the English language contained in the charging letter or its implications, and (2) the ineffective assistance assertedly rendered by German and U.S. counsel, constitute good cause to warrant setting aside the Decision and Order on Default entered herein.[4] As indicated by Agency Counsel, the respondent has acknowledged receipt of the charging letter and that he did not file an answer thereto within the time period permitted by the Regulations. Agency Counsel argues that, as the respondent does not claim the existence of newly-discovered evidence affecting allegations of the charging letter, and that, as the Respondent concedes, all the evidence submitted with his Petition was available to him at the time he received the charging letter, there is no good cause within the meaning of § 788.8(b) of the Regulations for reopening this proceeding.[5]

C. Discussion and Conclusions

With respect to the Respondent's contention that, as a resident of Germany, he had been unable to understand the charging letter because written in English, § 788.7(e) of the Regulations, entitled English Language Required, establishes that proceedings arising under the Act shall be conducted in the English language.[6] Knowledge of this provision's requisite, and the requirements of the Act and Regulations in general, must be imputed to the Respondent because the facts in question were open to discovery and it was his duty while engaged in the business of reexporting U.S.-origin equipment to inform himself of them. The Act, its implementing Regulations and the law, in general, cannot retain efficacy if subject to circumvention by Respondents who, having failed in their responsibility to become informed, consequently plead ignorance as a defense. As the facts here make clear, when finally motivated by the Order's impact, the Respondent, with his April 1 Petition and supporting documents, proved capable of penetrating the barriers of language, comprehension and even of time.

Similarly, I do not find the Respondent's assertions concerning ineffective representation by German and U.S. counsel to provide good cause for the relief sought. As the U.S. Court of Appeals held in *Nemaizer* v. *Baker*,[7] cited by Agency Counsel;

> * * * We have consistently declined to relieve a client * * * of the 'burdens of a final judgment entered against him due to the mistake or omission of his attorney by reason of the latter's ignorance of the law or other rules of the court, or his inability to efficiently manage his caseload.' *United States* v. *Cirami*, 535 F. 2d 736, 739 (2d Cir. 1976); *United States* v. *Erdoss*, 440 F.2d 1221 (2d Cir.), cert. denied sub nom *Horvath* v. *United States*, 404 U.S. 849, 92 S. Ct. 83, 30 L.Ed. 88 (1971); *Schwarz* v. *United States*, 384 F.2d 833 (2d Cir. 1967). This is because a person who selects counsel cannot thereafter avoid the consequences of the agent's acts or omissions. *Link* v. *Wabash Railroad Co.*, 370 U.S. 626, 633–34, 82 S. Ct. 1386, 1390, 8 L. Ed. 734 (1962) * * *
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> More particularly for our purposes, an attorney's failure to evaluate carefully the legal consequences of a chosen course of action provides no basis for relief from a judgment. See *(United States* v. *O'Neil*, 709 F. 2d (361) at 373 (5th Cir. 1983); *Chick Kam Choo v. Exxon Corp.)*, 699 F. 2d (693) at 696–97 (5th Cir.) (cert. denied sub nom. *Chick Kam Choo v. Esso Oil Co.*, 464 U.S. 826, 104 S. Ct. 98, 78 L. Ed. 2d 103 [1983]).

The above authority makes clear that the Respondent is bound by his selection of legal counsel and by the advice received therefrom, and that the asserted ineffectiveness of Respondent's German and U.S. attorneys in this matter cannot provide a basis for reopening this proceeding.

The Respondent's factual account does not support his contention that it was not until consultation with new counsel as late as December 1992 and January 1993 that he understood the nature and implications of the charging letter and Order and could take appropriate action in this proceeding. Any sense that the Respondent might have had in 1986 of having been cleared of all possible charges with respect to the subject transaction when notified of the discontinuation that year of the Regional Tax Office proceeding against him must have ended when he received the above January 23, 1989, correspondence from his German Attorney, Peter Kanis, after Mr. Kanis' review of the December 22, 1988, charging letter. Mr. Kanis, while noting that the matter had been legally concluded in Germany, left no doubt about the existence of a continuing legal obligation in the United States, from which the Respondent, in Europe, might feel secure "since the police power of the United States ended at its borders and did not extend to Europe." Mr. Kanis recommended, however, that should the Respondent travel to America, he retain an attorney there so that he did not risk being detained upon entering that country on the basis of this proceeding. Accordingly, having been advised by counsel in January 1989 that the charging letter that had been issued against him during the preceding month involved alleged violation of United States law of sufficient seriousness to possibly result in his detention should he travel to the United States, but that

[4] As Agency Counsel correctly indicates, there is no direct precedent for the granting of petitions to set aside default orders under § 788.8(b) of the Regulations. Accordingly, whether the Respondent has shown good cause to set aside the default order in this matter is one of first impression.

[5] Other arguments raised by Agency Counsel will be considered in the discussion.

[6] § 788.7(e) is as follows:

The answer, and all other documentary evidence, must be submitted in English or translations into English must be filed at the same time.

[7] 793 F.2d 58, 62 (C.A. 2, 1986).

the United States police power could not reach him in Germany, the Respondent elected not to respond to the charging letter.[8]

After the May 1989 Order was entered, the Respondent continued to evidence awareness of its significance. Subsequent to its entry, the Respondent and his senior shareholder in CJT, Peter Czermak, consulted with several U.S. companies with whom CJT did business and were reassured that the Order, for above-noted reasons, would not effect their ability to export to CJT. When, on January 17, 1992, the Respondent and Mr. Czermak, as principals of CJT, entered with KJLC into the joint venture, CKL, KJLC's principals were not informed of the existence of the Order, which the Respondent and Mr. Czermak saw fit to conceal, assertedly on the basis of their above consultations with the several U.S. companies.[9] The Respondent and two others were appointed managers of the new joint venture, and the Respondent also gained employment with CKL as a sales engineer. This arrangement might have continued indefinitely except that on December 21, 1992, a vendor informed KJLC that the Respondent had been denied export privileges for a period of ten years. As a result of this revelation and the discussions that followed, the Respondent discontinued all relationships with CKL and CJT, including termination of his manager's status and employment as a sales engineer with CKL and his stock ownership in CJT. Contrary to the Respondent's assertions, the record as outlined above indicates that he understood the implications of the Order well before December 1992 and January 1993. By his and Mr. Czermak's earlier consultations with the U.S. companies and subsequent concealment of the Order's existence from the partners in the joint venture, the Respondent had acted to circumvent its effect. It was only in December 1992, after the vendor unexpectedly disclosed the Order, causing events to close in, that the Respondent became motivated to try to go forward with this proceeding. I find from the above facts that the Respondent was moved to petition four years after default, not because he misunderstood the proceeding's implications, but because he felt the Order's delayed impact.[10]

As Agency Counsel points out, "* * * final judgments should not 'be lightly reopened.'"[11] The U.S. Supreme Court in *Ackermann* v. *United States*[12] noted, "There must be an end to litigation * * *, and free, calculated, deliberate choices are not to be relieved from."

Here, the charging letter was served and, although the Respondent had ample time and had been apprised by counsel of the seriousness of the allegations, he chose not to file an answer. I agree with Agency Counsel that this is not a case where there is a claim of newly-discovered evidence that might affect the allegations of the charging letter, and all material evidence the Respondent has submitted in support of his present Petition was available when the charging letter was served, except, of course, the effect on his career of the resultant Final Order. The Respondent, in 1989, freely chose not to answer the charging letter. His current and probably sincere regret over the resultant Order's sanctions and, consequently, his earlier failure to have timely responded to the charging letter, in the context of the above findings, does not provide "good cause" to vacate the final judgment entered herein in 1989. Accordingly, upon careful consideration it hereby is

Ordered That the Respondent's Petition to Set Aside the Decision and Order on Default, to Vacate the Order and to proceed on the submitted answer be, and the same hereby is, denied.

Dated: May 18, 1993.

Robert M. Schwarzbart,

Administrative Law Judge.

To be considered in the 30 day statutory review process which is mandated by section 13(c) of the Act, submissions must be received in the Office of the Acting Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW., room 3898B, Washington, DC, 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to section 13(c)(3) of the Act, the order of the final order of the Acting Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

[FR Doc. 93–14924 Filed 6–23–93; 8:45 am]

BILLING CODE 3510–DT–M

[8] The Respondent's statement that attorney Kanis, in his January 1989 letter, had disserved the Respondent by not pointing out the implications of the Respondent's continuing to represent U.S. companies and to handle U.S.-origin goods is difficult to understand. Implicit in Mr. Kanis' letter is the premise that it might be difficult to do either if a fugitive from the United States.

[9] The Respondent, in not informing his new partners from KJLC about the outstanding Order denying him export privileges for ten years, for whatever reasons, withheld disclosure of a material fact and deprived those parties of any opportunity to exercise judgment concerning the Order's significance to the joint venture prior to its establishment. It is most unlikely that the Respondent would have so consulted and concealed without awareness of the Order's implications. The Respondent's concerns in this regard were vindicated by the reaction of the KJLC officials when they later learned of the Order.

[10] The Respondent understates his corporate roles in asserting that he did not understand until later the implications of the charging letter and Order on his position as a sales engineer. As a 14 percent shareholder of CJT and as a manager of CKL, he was a principal and/or senior official of these companies.

[11] *Nemaizer* v. *Baker*, 793 F.2d, *supra*, at 61.

[12] 340 U.S. 193, 198, 71 S.Ct. 209, 211–12 (1950).

International Trade Administration

(A–307–807 and A–821–804)

Antidumping Duty Orders: Ferrosilicon From Venezuela and the Russian Federation.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 24, 1993.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or Kimberly Hardin, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230: (202) 482–1776 or 482–0371, respectively.

Scope of Orders

The merchandise subject to these antidumping duty orders is ferrosilicon, a ferroalloy generally containing, by weight, not less than four percent iron, more than eight percent but not more than 96 percent silicon, not more than 10 percent chromium, not more than 30 percent manganese, not more than three percent phosphorous, less than 2.75 percent magnesium, and not more than 10 percent calcium or any other element.

Ferrosilicon is a ferroalloy produced by combining silicon and iron through smelting in a submerged-arc furnace. Ferrosilicon is used primarily as an alloying agent in the production of steel and cast iron. It is also used in the steel industry as a deoxidizer and a reducing agent, and by cast iron producers as an inoculant.

Ferrosilicon is differentiated by size and by grade. The sizes express the maximum and minimum dimensions of the lumps of ferrosilicon found in a given shipment. Ferrosilicon grades are defined by the percentages by weight of contained silicon and other minor elements. Ferrosilicon is most commonly sold to the iron and steel industries in standard grades of 75 percent and 50 percent ferrosilicon.

Calcium silicon, ferrocalcium silicon, and magnesium ferrosilicon are specifically excluded from the scope of this order. Calcium silicon is an alloy containing, by weight, not more than five percent iron, 60 to 65 percent silicon and 28 to 32 percent calcium. Ferrocalcium silicon is a ferroalloy containing, by weight, not less than four percent iron, 60 to 65 percent silicon, and more than 10 percent calcium. Magnesium ferrosilicon is a ferroalloy containing, by weight, not less than four percent iron, not more than 55 percent silicon, and not less than 2.75 percent magnesium.

Ferrosilicon is classifiable under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050. The HTSUS subheadings are provided for convenience and customs purposes. Our written description of the scope of this order is dispositive.

Antidumping Duty Orders

In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on May 3, 1993, and May 13, 1993, respectively, the Department of Commerce (Department) made its final determinations that ferrosilicon from Venezuela and the Russian Federation is being sold at less than fair value (58 FR 27522, May 10, 1993, and 58 FR 29192, May 19, 1993, respectively). On June 16, 1993, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that such imports materially injure a U.S. industry.

Suspension of Liquidation

In accordance with section 736 of the Act, the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of ferrosilicon from Venezuela and the Russian Federation. These antidumping duties will be assessed on all unliquidated entries of ferrosilicon from Venezuela and the Russian Federation entered, or withdrawn from warehouse, for consumption on or after December 29, 1992, the date on which the Department published its preliminary determination notices in the **Federal Register** (57 FR 61879 and 57 FR 61876, respectively). On or after the date of publication of this notice in the **Federal Register**, Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposit for the subject merchandise.

Manufacturer/producer/exporter	Margin percentage
The Russian Federation:	
All manufacturers/producers/exporters	104.18
Venezuela:	
CVG-Venezolana de Ferrosilicio (CVG Fesilvin)	9.55
All others	9.55

Regarding the investigation of ferrosilicon from the Russian Federation, in its final determination, the Department found that critical circumstances exist with respect to exports of ferrosilicon from the Russian Federation. However, on June 16, 1993, the ITC notified the Department that retroactive assessment of antidumping duties is not necessary to prevent recurrence of material injury from massive imports over a short period. As a result of the ITC's determination, pursuant to section 735(c)(3) of the Act, we shall order Customs to terminate the retroactive suspension of liquidation and to release any bond or other security and refund any cash deposit required under section 733(d)(2) with respect to entries of subject merchandise entered or withdrawn from warehouse, for consumption prior to December 29, 1992.

This notice constitutes the antidumping duty order with respect to ferrosilicon from Venezuela and the Russian Federation, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

These orders are published in accordance with section 736(a) of the Act and 19 CFR § 353.21.

Dated: June 17, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-14920 Filed 6-23-93; 8:45 am]

BILLING CODE 3510-DS-P

Texas A&M University, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 93-016. *Applicant:* Texas A&M University, College Station, TX 77843. *Instrument:* Submersible Fluorimeter and Accessories, Model AQUATRACKA MkIII. *Manufacturer:* Chelsea Instruments Ltd., United Kingdom. *Intended Use:* See notice at 58 FR 17862, April 6, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides (1) a single 4-decade logarithmic range for measuring widely varying chlorophyll densities and (2) deployment to a depth of 6000m. The National Oceanic and Atmospheric Administration and a private research institution advise that (1) these capabilities are pertinent to the applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93-14921 Filed 6-23-93; 8:45 am]

BILLING CODE 3510-DS-F

National Oceanic and Atmospheric Administration

Endangered Species; Permits

AGENCY: National Marine Fisheries Service, (NMFS) NOAA, Commerce.

ACTION: Issuance of an amendment to permit No. 823; Idaho Department of Fish and Game (P503C).

On February 17, 1993 notice was published (58 FR 8740) that an application (P503C) had been filed by the Idaho Department of Fish and Game (IDFG), to take listed Snake River fall and spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and listed Snake River sockeye salmon (*O. nerka*) for the purposes of scientific research as authorized by the Endangered Species Act (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-227).

On April 1, 1993 (58 FR 18205), IDFG was issued Permit No. 823 under the authority of the ESA and the NMFS regulations governing listed fish and wildlife permits, authorizing three of seven projects proposed in their application.

Notice is hereby given that on June 16, 1993 IDFG was issued an amendment to Permit No. 823 for the above taking subject to certain conditions set forth therein.

Issuance of this Permit, as required by the ESA, was based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the listed species which are the subject of this Permit; (3) is consistent with the purposes and policies set forth in section 2 of the ESA. This Permit was also issued in accordance with and is subject to the NMFS regulations governing listed species permits.

The application, Permit, Amendment, and supporting documentation are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Suite 8268, Silver Spring, MD 20910 (301/713–2322); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230–5400).

Dated: June 16, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–14877 Filed 6–23–93; 8:45 am]

BILLING CODE 3510–22–M

[Docket No. 930650–3150]

Affirmation of Vertical Datum for Surveying and Mapping Activities

SUBAGENCY: National Ocean Service, Coast & Geodetic Survey, National Oceanic and Atmospheric Administration, DOC.

ACTION: Notice.

SUMMARY: This Notice announces a decision by the Federal Geodetic Control Subcommittee (FGCS) to affirm the North American Vertical Datum of 1988 (NAVD 88) as the official civilian vertical datum for surveying and mapping activities in the United States performed or financed by the Federal Government, and to the extent practicable, legally allowable, and feasible, require that all Federal agencies using or producing vertical height information undertake an orderly transition to NAVD 88.

FOR FURTHER INFORMATION CONTACT: Mr. James E. Stem, N/CG1×4, SSMC3, Station 9357, National Geodetic Survey, NOAA, Silver Spring, Maryland 20910; telephone: 301–713–3230.

SUPPLEMENTARY INFORMATION: The Coast and Geodetic Survey (C&GS), National Geodetic Survey (NGS), has completed the general adjustment portion of the NAVD 88 project, which includes approximately 80 percent of the previously published bench marks in the NGS data base. The remaining "posted" bench marks which comprise approximately 20 percent of the total will be published by October 1993. Regions of significant crustal motion will be analyzed and published as resources allow.

NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD 29) which was the former official height reference (vertical datum) for the United States. NAVD 88 provides a modern, improved vertical datum for the United States, Canada, and Mexico. The NAVD 88 heights are the result of a mathematical least squares general adjustment of the vertical control portion of the National Geodetic Reference System and include 80,000 km of new U.S. Leveling observations undertaken specifically for this project.

NAVD 88 height information in paper or digital form is available from the National Geodetic Information Branch, N/CG174, SSMC3, Station 9202, National Geodetic Survey, NOAA, Silver Spring, Maryland, 20910; telephone: 301–713–3242.

Dated: June 21, 1993.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management, NOAA.

[FR Doc. 93–14922 Filed 6–23–93; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: DoD.

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title and OMB Control Number: DoD FAR Supplement, part 223, Environment, Conservation, Occupational Safety, and Drug-Free Workplace, and related clauses at 252.223; OMB Control Number 0704–0272

Type of Request: Reinstatement

Number of Respondents: 1,401

Responses per Respondent: 1

Annual Responses: 1,401

Average Burden per Response: 3.89 hours

Annual Burden Hours: 5,451

Needs and Uses: DoD FAR Supplement, part 223 prescribes policies and procedures for contracting for ammunition and explosives. The information generated by these requirements is used by Federal Government personnel to determine if contractors take reasonable precautions in handling ammunition and explosives so as to minimize the potential for mishaps.

Affected Public: Business or other for-profit, non-profit institutions, and small businesses or organizations

Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Mr. Peter N. Weiss. Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: June 21, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–14898 Filed 6–23–93; 8:45 am]

BILLING CODE 5000–04–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., chapter 35).

Title and OMB Control Number: DoD FAR Supplement, part 205, Publicizing Contract Actions, and the clause at 252.205–7000; OMB Control Number 0704–0286

Type of Request: Revision
Number of Respondents: 1,800
Responses Per Respondent: 1
Annual Responses: 1,800
Average Burden Per Response: 1.3 hours
Annual Burden Hours: 2,340
Needs and Uses: DoD FAR Supplement, part 205 and the clause at 252.205–7000, Provision of Information to Cooperative Agreement Holders, requires defense contractors, awarded a contract in excess of $500,000 to provide entities holding cooperative agreements with the Defense Logistics Agency (DLA), upon their request, a list of appropriate employees, their business address, telephone number, and area of responsibility, who have responsibility for awarding subcontracts under defense contracts. This language implements Section 957 of Public Law 99–500.
Affected Public: Businesses or other for-profit, non-profit institutions, and small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Mr. Peter N. Weiss. Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.
DOD Clearance Officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: June 21, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–14899 Filed 6–23–93; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary

Defense Advisory Committee on Military Personnel Testing

Pursuant to Public Law 92–463, notice is hereby given that a meeting of the Defense Advisory Committee on Military Personnel Testing is scheduled to be held from 8:30 a.m. to 4:30 p.m. on August 11, 1993, and from 8:30 a.m. to 4:30 p.m. on August 12, 1993. The meeting will be held at the Monterey Plaza Hotel, 400 Cannery Row, Monterey, CA. The purpose of the meeting is to review planned changes in the Department of Defense's Student Testing Program and progress in developing paper-and-pencil and computerized enlistment tests. Persons desiring to make oral presentations or submit written statements for consideration at the Committee meeting must contact Dr. Jane M. Arabian, Assistant Director, Accession Policy, Office of the Assistant Secretary of Defense (Force Management and Personnel), room 2B271, The Pentagon, Washington, DC 20301–4000, telephone (703) 695–5525, no later than August 2, 1993.

Dated: June 21, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–14901 Filed 6–23–93; 8:45 am]

BILLING CODE 5000–04–M

Meetings

AGENCY: Defense Advisory Committee on Women in the Services (DACOWITS), DOD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the meeting is to review unresolved resolutions made by the Committee at the DACOWITS 1993 Spring Conference; review the Subcommittee Issue Agenda; review the proposed agenda for the DACOWITS 1993 Fall Conference; and discuss issues relevant to women in the Services. All meeting sessions will be open to the public.

DATES: September 13, 1993, 8:30 a.m.–4 p.m.

ADDRESSES: SECDEF Conference 3E869, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Captain Kari L. Everett, Office of the DACOWITS and Military Women Matters, OASD (Force Management and Personnel), the Pentagon, room 3D769, Washington, DC 20301–4000; telephone (703) 697–2122.

Dated: June 21, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–14902 Filed 6–23–93; 8:45 am]

BILLING CODE 5000–04–M

Performance Review Board Membership

AGENCY: Defense Finance and Accounting Service.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of the Performance Review Board for the Defense Finance and Accounting Service.

EFFECTIVE DATE: July 15, 1993.

FOR FURTHER INFORMATION CONTACT: Beverley McDaris, Defense Finance and Accounting Service, DAO-Arlington, DFAS–CL–BJH, 1931 Jefferson Davis Highway, Arlington, VA 22240–5280.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

Gary Amlin, Deputy Director for Finance, Defense Finance and Accounting Service—Headquarters
John Barber, Director, Military and Civilian Pay Directorate (Finance), Defense Finance and Accounting Service—Headquarters
Charles Coffee, Director, Contract Pay and Disbursing Directorate (Finance), Defense Finance and Accounting Service—Headquarters
John Cooley, Director, Reporting and Performance Directorate (Accounting), Defense Finance and Accounting Service—Headquarters
William Daeschner, Deputy Director for Information Management, Defense Finance and Accounting Service—Headquarters
Carroll Dennis, Director for External Affairs and Management Support (Resources Management), Defense Finance and Accounting Service—Headquarters
Douglas Farbrother, Assistant Deputy Director for Resource Management, Defense Finance and Accounting Service—Headquarters
Lorraine Lechner, Deputy Director for Resource Management, Defense Finance and Accounting Service—Headquarters
John Mester, General Counsel, Defense Finance and Accounting Service—Headquarters
Daniel Turner, Deputy Director for Accounting, Defense Finance and Accounting Service—Headquarters
Arnold Weiss, Deputy Director for Business Information Management, Defense Finance and Accounting Service—Headquarters
Jay Williams, Director, Cleveland Center, Defense Finance and Accounting Service